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Attorneys for Defendant  
DPR CONSTRUCTION, a General Partnership

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**(OAKLAND DIVISION)**

BRENDA MARTIN and ESTATE OF BERNARD  
MARTIN,

Plaintiffs,

v.

DPR CONSTRUCTION a GENERAL  
PARTNERSHIP; and LIFE INSURANCE  
COMPANY OF NORTH AMERICA,

Defendants.

Case No.: 4:19-cv-03254-HSG

**STIPULATION TO CONTINUE CASE  
MANAGEMENT CONFERENCE AND  
RELATED DEADLINES; ORDER**

Date: September 17, 2019  
Time: 2:00 p.m.  
Dept: Courtroom 2, 4th Floor  
District Judge: Haywood S. Gilliam, Jr.

Complaint Filed: June 10, 2019

Case No.: 4:19-cv-03254-HSG

STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE AND RELATED  
DEADLINES; ORDER

**STIPULATION**

Plaintiffs BRENDA MARTIN and ESTATE OF BERNARD MARTIN (“Plaintiffs”) and Defendants DPR CONSTRUCTION, a GENERAL PARTNERSHIP (“DPR Construction”) and LIFE INSURANCE COMPANY OF NORTH AMERICA (“LINA”) (collectively “the Parties”) stipulate as follows through their respective counsel:

1. The Parties seek permission from the Court to continue the initial Case Management Conference (“CMC”) set for September 17, 2019, and the related deadlines, including the meet and confer deadline, the joint case management statement deadline, and the deadline to exchange initial disclosures.

2. On August 19, 2019, Defendants DPR Construction and Jorinne Jackson filed a motion to dismiss Plaintiffs’ complaint (“Motion”). (Docket No. 23.)

3. On August 26, 2019, Plaintiffs informed all parties that they intended to file a first amended complaint by August 30, 2019.

4. On August 30, 2019, Plaintiffs filed a first amended complaint. Jorinne Jackson is not named as a defendant in the amended complaint. (Docket No. 33).

5. The first amended complaint renders the Motion moot.

6. Defendants have not fully evaluated Plaintiffs’ first amended complaint. DPR Construction believes a second motion to dismiss may be necessary. DPR Construction intends to request the January 16, 2020, hearing date for that purpose, if possible.

7. The Parties agree that additional time is needed for case management planning at the CMC.

8. Likewise, counsel for Plaintiffs is unavailable on September 17, 2019.

9. The Parties request that the Court issue an order: (1) continuing the CMC for 30 days to allow for sufficient time to file, evaluate and possibly move to dismiss the first amended complaint; (2) extending the time to meet and confer and submit the joint statement in advance of the CMC based upon the new CMC date; and (3) extending the FRCP Rule 26(a) initial disclosure deadline until 14 days after the new CMC date.

**IT IS SO STIPULATED.**

1 Dated: September 3, 2019

**KANTOR & KANTOR, LLP**

2  
3 By: /s/ Susan Lynn Meter

4 Glenn R. Kantor  
Susan Lynn Meter

5 Attorneys for Plaintiffs  
6 BREND A MARTIN and  
ESTATE OF BERNARD MARTIN

7 Dated: September 3, 2019

**LAMBERT COFFIN**

8  
9 By: /s/ Andrew S. Davis

Andrew S. Davis

10 Attorneys for Plaintiffs  
11 BREND A MARTIN and  
ESTATE OF BERNARD MARTIN

12 Dated: September 3, 2019

**DUANE MORRIS LLP**

13  
14 By: /s/ Anjuli M. Cargain

15 Lorraine P. Ocheltree  
Anjuli M. Cargain  
Lawrence I. Davidson

16 Attorneys for Defendants  
17 JORINNE JACKSON, an Individual, and  
18 DPR CONSTRUCTION, a General Partnership

19 Dated: September 3, 2019

**MESERVE, MUMPER & HUGHES LLP**

20  
21 By: /s/ Anna Maria Martin

22 Anna Maria Martin  
Kristin Kyle de Bautista

23 Attorneys for Defendant  
24 LIFE INSURANCE COMPANY OF NORTH  
25 AMERICA  
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**ATTESTATION**

1 Pursuant to Local Rule 5-1.(i), I hereby attest that counsel for Plaintiff BRENDA MARTIN  
2 and ESTATE OF BERNARD MARTIN and Defendant LIFE INSURANCE COMPANY OF  
3 NORTH AMERICA have concurred in the filing of the Stipulation Requesting Continuance of the  
4 CMC and related deadlines filed concurrently herewith.

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6 Dated: September 3, 2019

**DUANE MORRIS LLP**

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8 By: /s/ Anjuli M. Cargain

Anjuli M. Cargain

9 Attorneys for Defendant  
10 DPR CONSTRUCTION, a General Partnership  
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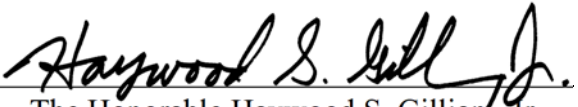
**ORDER**

The Court, having considered the Stipulation of the Parties to Continue the Initial Case Management Conference (“CMC”) and Related Deadlines, hereby **ORDERS** as follows:

1. The Stipulation to Continue the Initial CMC is **GRANTED**.
2. The CMC currently scheduled for September 17, 2019 is hereby continued to October 22, 2019, at 2:00 pm in Courtroom 2, 4<sup>th</sup> Floor.
3. All related CMC deadlines are continued in accordance with the new CMC date.
4. Initial disclosures must be exchanged by November 5, 2019.
5. The Order to Show Cause, Dkt. No. 34, is **DISCHARGED** in light of Defense counsel’s explanation that Plaintiff’s amended complaint moots the motion to dismiss, *see* Dkt. No. 35.
6. Defendant’s pending motion to dismiss, Dkt. No. 23, is terminated as **MOOT** in light of the amended complaint.
7. Should Defendant file a second motion to dismiss, the hearing shall be set for January 16, 2020, at 2:00 p.m.

**IT IS SO ORDERED.**

Dated: September 4, 2019

By:   
The Honorable Haywood S. Gilliam, Jr.  
United States District Court Judge